



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

August 15, 2012

Richard J. Bruckner  
Director

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**REGARDING: PROJECT NO. 90-242-(4)  
CONDITIONAL USE PERMIT NO. 201100087  
1370 S. FULLERTON RD. (Ste. 105 &106), ROWLAND HEIGHTS**

The Regional Planning Commission, by its action of August 15, 2012, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on August 29, 2012. **Appeals must be delivered in person.**

**Appeals:**

**To file an appeal, please contact:**  
Executive Office of the Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street, Los Angeles, CA 90012  
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Rudy Silvas of the Zoning Permits West Section at (213) 974-6462, or by email at [rsilvas@planning.lacounty.gov](mailto:rsilvas@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

Mi Kim, Supervising Regional Planner  
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement East;

MKK:RS

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**PROJECT NO. 90-242-(4)  
CONDITIONAL USE PERMIT NO. 201100087**

**REQUEST:**

The applicant requests approval of a CUP application pursuant to Los Angeles County "Code" Sections 22.28.160 and 22.56.195 to allow for alcoholic beverage sales (beer and wine only) with on-site consumption at an established restaurant in the C-2-DP-BE (Neighborhood Business-Development Program-Billboard Exclusion) Zone.

**HEARING DATE: AUGUST 15, 2012**

**PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

A duly noticed public hearing was held on August 15, 2012, before the Regional Planning Commission. Commissioners Pedersen, Modugno, Louie, and Valadez were present, Commissioner Helsley was absent. Staff gave a presentation recommending approval for the new CUP application.

Staff reported to the Commission that the Sheriff Department's Walnut/Diamond Bar Station reported on August 6, 2012, as part of a follow up consultation, that few calls were received from the location of the subject restaurant over the last year. The calls received were mainly related to a faulty burglar alarm at the restaurant. No objections to the CUP were noted from the Sheriff, and there were no outstanding issues or complaints to report.

The Commission questioned Staff as to how long the sushi restaurant had been in operation. Staff replied that the restaurant had been in operation for one year.

The applicant's agent provided testimony before the Commission, and stated that they were in agreement with the Staff report and the conditions for approval presented. The agent also stated that they had communicated and worked with the local community group, and that the Kula Revolving Sushi Bar Restaurant was unique in design with a revolving conveyor belt from which the diners sit around and served sushi as it passes by. The agent stated that the restaurant is part of a large company with 300 units in Japan, and this restaurant was the seventh such unit established in the United States. Management of the restaurant is well organized with trained staff. There was no other testimony.

The Commission closed the public hearing, and without any further questions or discussion, the Commission voted 4-0 to approve the project.

Findings

1. The project site restaurant is located within a commercial plaza known as Diamond Plaza, at 1370 Fullerton Rd., Suites 105 and 106, within the unincorporated community of Rowland Heights, Fourth Supervisorial District, in the Puente Zoned District.
2. A conditional use permit (CUP) is requested to allow the sale of beer and wine for on-site consumption with a Type 41 ABC license in an established restaurant (Kula Revolving Sushi Bar). The restaurant is located in the C-2-DP-BE Zone within the Rowland Heights Community Standards District (CSD). The restaurant was approved under a Revised Exhibit "A" to CUP 90-242 on February 22, 2011, and is currently operating. The original CUP 90-242 for construction of the multi-tenant Diamond Plaza commercial center was approved on December 4, 1991. The scope of this request is the sale of beer and wine for on-site consumption, no increase in current occupancy of the restaurant is proposed.
3. The subject property is developed with an established commercial plaza on a project site that is located partially within the unincorporated County area and partially within the City of Industry. The parcel in the County portion is 4.35 acres in size, and the portion within the City is 3.26 acres. There are four major structures that make up Diamond Plaza. Building 1 (1330 Fullerton) and Building 2 (1390 Fullerton) are located within the City of Industry portion of the plaza, and Building A (1370 Fullerton) and Building B (1380, 1388 Fullerton) are located within the County portion. The Sushi restaurant is located within the County portion in Building A (Suites 105 & 106). The configuration of the parcels are rectangular.
4. The commercial plaza site is situated between the Pomona Freeway to the north, a large residential community to the south, an elementary school to the east, and Fullerton Road to the West. The site is relatively flat and is developed with one and two story commercial structures, with subterranean parking located below the plaza within the City of Industry portion of the site. The main entrance to the commercial plaza is from Fullerton Road on the west end of the site, and a secondary emergency access with a locked gate is from Jellick Avenue to the east.
5. The restaurant has an Occupancy Load Determination for 92 persons, as determined by County Building and Safety on February 2, 2011. Based on this occupancy load, the required parking for the restaurant is one parking space for every three occupants/persons which calculates to 31 required parking spaces. The applicant has indicated that 37 parking spaces are reserved for the restaurant (Suites 105 & 106). The County portion of the commercial center where the restaurant is located has up to 308 parking spaces striped there at the plaza level, and 327 parking spaces are located in the City of Industry portion for a total of 635 parking spaces for the plaza.

6. Surrounding properties are zoned:
  - North: C-2-DP-BE to centerline of State Hwy. 60 (Pomona Fwy.)
  - South: R-3-3,000-14U-DP (Limited Multiple Residence-3,000 sq. ft. min. lot size area required/unit-14 units/acre-Development Program) Zone
  - East: RPD-6,000-10U (Residential Planned Development-6,000 sq. ft. min. lot size area required/unit-10 units/acre)
  - West: City of Industry
7. Surrounding land uses consist of:
  - North: State Hwy. 60 (Pomona Fwy.)
  - South: Single Family Residential
  - East: Jellick Elementary School
  - West: Commercial Plaza
8. The site is designated in the Rowland Heights Community Plan as "Commercial", and in the Los Angeles Countywide General Plan as "Category 2" (Low to Medium density residential-- 6 to 12 dwelling units/acre). The Rowland Heights Community Plan, which supplements the Countywide General Plan for the area provides more detailed information regarding specific land uses contemplated for the area. The existing commercial plaza and the proposed sale of beer and wine within the established restaurant are consistent with the Commercial land use category of the Rowland Heights Community Plan, which allows retail and commercial services and office uses. The restaurant is a local serving business which is also consistent with the land use category.
9. The current zoning of C-2-DP-BE was established by Ordinance No. 82-0065Z, adopted by the County Board of Supervisors on March 16, 1982.
10. County Assessor records indicate that structures on site were developed in 1993.
11. The Regional Planning Commission approved CUP 90-242 authorizing construction of the multi-tenant Diamond Plaza commercial center, on 4.35 acres of land in the unincorporated area, which included retail sales and services, offices and restaurants, on December 4, 1991. The commercial center also consists of 3.26 acres of land within the City of Industry, for a total of 7.61 acres of land. The portion of the commercial center within the City of Industry was approved by the City.
12. The Rowland Heights Community Standards District was adopted on November 27, 2001.
13. The site plan for the restaurant was approved by Revised Exhibit "A" to CUP 90-242 on February 22, 2011.
14. The sale of beer and wine sales for on-site consumption in an established restaurant is subject to the development standards of the C-2 Zone and the Rowland Heights Community Standards District (CSD).

15. The multi-tenant commercial center project site was approved by CUP 90-242, and was required in its design to buffer the project from the adjoining residential area to the south. The C-2 zone development standards under County Code Section 22.28.170 do not require any specific setbacks for structures. Nevertheless, the back of the restaurant is located 29 feet from the rear property line adjoining the residential zone to the south. Therefore, the proposed project to allow for the sale of beer and wine in a restaurant within the existing commercial plaza is adequately buffered from nearby uses because the commercial center itself is adequately buffered and no alterations are being proposed to the existing building.
16. The conditions of approval for CUP 90-242 also required the construction of an eight-foot high masonry wall along the southern property line to ensure the residential zone to the south was buffered. The height of the eight-foot wall exceeds the six-foot height of such required masonry walls to buffer commercial parking areas from residential areas under County Code Section 2.52.1060 D.2. The Rowland Heights CSD (County Code Section 22.44.132), adopted and enacted after the completion of the commercial center, requires buffers between new structures and additions to structures at 15 feet or less in height on lots or parcels adjoining a residential zone to be three feet from the property line, and one additional foot of setback for each foot in the height of such structure that exceeds 15 feet in height. Although the majority of the commercial center's structures are two-stories, the structure where the restaurant suite is located is single-story and is setback 29 feet from the rear property line adjoining the residential zone. The structure would be in compliance with the current Rowland Heights CSD requirements for buffering. Because the Project does not propose any alterations to the existing building, the Project is adequately buffered from the surrounding neighborhood and will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.
17. The Rowland Heights CSD (County Code Section 22.44.132) does not contain additional requirements for the sale of alcohol at an existing restaurant.
18. The restaurant was approved in February 22, 2011 through a Revised Exhibit "A" which allowed the tenant improvement for the conversion of retail use to a dining use. The Revised Exhibit "A" analyzed the parking required for the spaces available for the restaurant use, and ensured that there were an adequate number of parking spaces available. The CUP for the sale of beer and wine for on-site consumption does not change or affect the parking required or provided.
19. Upon the approval of CUP 90-242 in 1991, the applicant was to provide 418 parking spaces within the County portion of the project area, which exceeded minimum requirements and allowed for assembly uses such as restaurants. The existing parking, as required for the restaurant per County Code Section 22.52.1110 for Entertainment, Assembly and Dining, is provided in accordance with the stamped

Occupancy Load Determination for 92 persons on the Revised Exhibit "A" plan approved on February 22, 2011. Based on the ratio of one stall for every three persons, 31 parking spaces were required. The applicant has provided 37 parking spaces, six more than the minimum number required. Up to 299 parking spaces are allotted for subject restaurant and for other dining, retail and office establishments in the commercial center within the County portion of the plaza. A total of 308 parking spaces are provided in the County portion of the plaza, plus 327 parking spaces provided in the City of Industry portion, for a total number of 635 parking spaces throughout Diamond Plaza. All required parking has been met and the CUP for the sale of beer and wine for on-site consumption does not change or affect the parking required or provided.

20. The majority of parking spaces are located at plaza level, with some spaces located below the plaza in a subterranean garage.
21. In addition to the findings required for a CUP, the sale of alcohol is subject to additional findings under County Code Section 22.56.195 B., regarding proximity to sensitive uses and overconcentration of establishments selling alcohol. The project site is located within 600 feet of an elementary school with a playground to the east. The restaurant is located within the interior area of the commercial plaza, and is buffered from the elementary school site by the commercial building adjacent and to the east of the building where the restaurant is located. There is no line of sight between the restaurant and the elementary school to the east of the commercial plaza across Jellick Avenue. Also between the commercial buildings and Jellick Avenue is a landscaped buffer and eight-foot high wrought iron fence buffering the site from the elementary school site. Access to and from the site from Jellick Avenue is for emergency use only and secured by an eight-foot high wrought iron gate. There are no other sensitive uses, such as a place of religious worship, parks, other schools, playgrounds or any other similar uses within 600 feet. The site is sufficiently buffered from the residential area adjoining the site to the south with the required eight-foot high masonry wall and the 29-foot setback. The restaurant location and its buffering from the elementary school site and the residential area negates any impacts the restaurant could have from patrons entering and exiting. Therefore, the project will not adversely affect the use of a place used exclusively for worship, school, park, playground, or other similar use.
22. According to the report from ABC, there are other establishments within the Diamond Plaza commercial center that sell alcoholic beverages for on-site consumption. Seven have been identified within Diamond Plaza, one being a nightclub within the City of Industry portion near Fullerton Road. The other six establishments within Diamond Plaza are restaurants with on-site beer and wine sales and on-site consumption. There are also five other businesses that retail alcoholic beverages within 600 feet of the commercial center, all located north of the Pomona Freeway. The State Department of Alcoholic Beverage Control (ABC) reported to Regional Planning on August 1, 2011, that there is an undue concentration of alcoholic beverage licenses in the subject Reporting District No. 2931. There was reported to be an existing number of 59 licenses when only six

are allowed. Such an undue concentration in the number of alcoholic beverages issued for the district requires a finding of public convenience and necessity under County Code Section 22.56.195 B.3. Finding No. 28 below explains why the CUP application for the sale of beer and wine for on-site consumption in the established restaurant is considered a public convenience.

23. ABC also reported to Regional Planning that the restaurant is located in a high crime reporting district. It was reported that the average number of offenses for 374 reporting districts was 151.74, and that 120% of the average number of offenses was calculated to be 182.1. The total number of offenses reported in District 2931 was 307.
24. Staff consulted the County Sheriff Department (Walnut/Diamond Bar Sheriff Station) for a call and crime history report for the project site over the last five years (letter attached). The County Sheriff's Department voiced no objection to the sale of beer and wine in their letter to Regional Planning dated August 9, 2011. In the list of calls presented and recorded from August 2006 to July 2011, the calls responded to did not involve actions related to public drunkenness.
25. Staff also did solicit comments from other County Departments, but no comments were offered.
26. The exterior appearance of the building is consistent with surrounding structures. Therefore, the use is in compliance with additional findings required under County Code Section 22.56.195 B.5., in that the use will not diminish or impair property values within the neighborhood.
27. The proposed sale of alcoholic beverages for on-site consumption with food service in the established restaurant would not create any type of negative impact to the surrounding neighborhood. Although the restaurant is adjoining a large residential area to the south and an adjacent elementary school to the east, the on-site sale and consumption of beer and wine would not lead to problems typically associated with over consumption of alcoholic beverage because the alcohol is to be served in conjunction with the serving Japanese cuisine in an established restaurant.
28. The restaurant is a benefit to the local community, and serves not only those within this community but also customers from outside the community who visit or do business in the local vicinity. The use itself is consistent with the Commercial land use category of the Rowland Heights Community General Plan.
29. Due to the report from ABC that there is an undue concentration of ABC licenses in the vicinity of the restaurant, a finding of public convenience has been made by Staff based on the fact that the project is to provide beer and wine sales in conjunction with a full service eating establishment, and that alcohol is a customary accompaniment to full-service dining. Staff has found that it is better to concentrate alcohol permits within an existing, established, developed commercial center, as is the case with this CUP application. Finally, it has been considered that other

restaurants within the vicinity offer the same service, which makes the sushi restaurant part of a network of restaurants that provide customers and the community with convenient alternatives for dining, thus providing a public convenience.

30. The project proposal was reviewed by the Rowland Heights Community Coordinating Council at their regularly scheduled Board meeting of May 16, 2012; there are no objections to the CUP application.
31. No open Enforcement cases on site; verified with Zoning Enforcement East on July 26, 2012.
32. Staff of the Department of Regional Planning has recommended that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.
33. Staff has not received any comments from the public regarding this CUP for alcoholic beverage sales.
34. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
35. To ensure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to **15 years**, with **eight (8) biennial (one the first year and every other year thereafter)** site inspections.
36. Staff reported to the Commission on August 15, 2012, a follow up consultation with the Sheriff Department's Walnut/Diamond Bar Station regarding calls over the past year. Staff reported that the Sheriff's Department on August 6, 2012, indicated only a few calls were received from the subject restaurant location and were primarily due to a faulty burglar alarm. No objections to the CUP were noted from the Sheriff's Department.

The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials is the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

**Regarding Conditional Use Permit:**

- A. That the requested use at the location will not:
  - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features described in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- C. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - 2. By other public or private service facilities as are required.

**Regarding Alcoholic Beverage Sales:**

- A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600 – foot radius.
- B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- D. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has determined that the project is Categorical Exempt from the provisions of CEQA, pursuant to a Class 1 Categorical Exemption for Existing Facilities, and certifies that it is consistent with the finding by the State Secretary for Resources and by local guidelines that this class of project does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100087, Project No. 90-242-(4), is **APPROVED** subject to the attached conditions.

**VOTE**

Concurring: Commissioners Pedersen, Louie, Valadez, and Modugno

Dissenting:

Abstaining:

Absent: Commissioner Helsley

Action Date: August 15, 2012

c: Each Commissioner, Zoning Enforcement East, Building and Safety

MKK:RS  
08/15/2012

**CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. 90-242-(4)  
CONDITIONAL USE PERMIT NO. 201100087**

**PROJECT DESCRIPTION**

A conditional use permit (CUP) is requested to allow the sale of beer and wine for on-site consumption with a Type 41 ABC license in an established restaurant (Kula Revolving Sushi Bar). The restaurant is located in the C-2-DP-BE Zone within the Rowland Heights Community Standards District (CSD). The restaurant was approved under a Revised Exhibit "A" to CUP 90-242 on February 22, 2011. The original CUP 90-242 for construction of the multi-tenant Diamond Plaza commercial center was approved on December 4, 1991. The scope of this request is the sale of beer and wine for on-site consumption, no increase in current occupancy or alteration of the restaurant is proposed or authorized pursuant to this grant.

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 15, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation

applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial** inspections, one the first year, and one every other year thereafter. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance or otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved Exhibit A or on a revised Exhibit A approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." **Four (4) copies** of a modified Exhibit "A" of the building elevation plan that also depicts the new wall business sign and three projecting business signs fully dimensioned and drawn to scale shall be submitted to Regional Planning within sixty (60) days of the date of approval for final approval.

#### PERMIT SPECIFIC CONDITIONS

17. The permittee shall maintain the property in a neat and orderly fashion.
18. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program or similar program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The permittee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the permittee, and all managers shall be available to any ABC and County Zoning Enforcement Inspectors upon request.
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

23. The permittee shall strictly adhere to all regulations of the State of California prohibiting the sale of alcoholic beverages to minors.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. This grant authorizes the sale of alcoholic beverages (beer and wine only) for on-site consumption from 11:00 a.m. to 10:30 p.m., seven days a week.
26. There shall be no consumption of alcoholic beverages outside the designated dining areas of the restaurant. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the effective date of the permit. A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
28. All servers of alcoholic beverages must be at least 18 years of age.
29. There shall be no music or other noise audible beyond the restaurant premises.
30. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
31. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
32. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited, including patios, sidewalks, porches, loading docks, etc.
33. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
34. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand.

35. Food service shall be continuously provided during operating hours.

MKK:RS  
08/15/2012